

In re Application of: Benjamin GELLER et al.
 Serial No.: 10/553,933
 Filed: October 20, 2005
 Office Action Mailing Date: October 5, 2009

Examiner: Vani GUPTA
 Group Art Unit: 3768
 Attorney Docket: 37514
 Confirmation No.: 6137

REMARKS

Reconsideration of the above-identified Application in view of the remarks following is respectfully requested.

The Application includes 13 claims, 1-7 and 35-40.

Claims 1-3, 35-37 and 39 have been rejected under 35 U.S.C. §102.

Claims 4-7, 38 and 40 have been rejected under 35 U.S.C. §103.

Claim 1 is amended and new claims 45-55 are added herewith as described below.

General

The discussion below is pursuant to a telephone interview on March 11, 2010, between Examiners Gupta and Le and Applicants' representative. Applicants thank the Examiners for their cooperation and assistance.

Objection under 35 U.S.C. §102

Regarding Claim 1

The Examiner rejected claim 1 as being anticipated by Iger et al. (U.S. Patent No. 6,206,843), hereinafter 'Iger'.

Applicants amend independent claim 1 herein and respectfully submit that amended claim 1 is not *prima facie* anticipated by Iger since Iger does not teach limitations of amended claim 1, as discussed below.

Claim 1, as amended herein, defines:

*Apparatus for the ultrasonic treatment of tissue, including:
 a housing having:*

(a) a space therewithin and an opening adapted for placement against the tissue, the housing being adapted for introducing liquid therein;

(b) a receptacle adapted to receive and engage an ultrasonic transducer; and

(c) a flat interface suitable for separating the ultrasonic transducer from the liquid while ultrasonically coupling therebetween. [Emphasis added]

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Support for amendment (b) can be found, for example, in Page 7 Line 8 "Arms 40 are optionally used to support transducer 2" and also in Figs. 1-5.

Support for amendment (c) can be found, for example, in Page 7 Line 10 "a space in which acoustic port 44 forms part of a flat wall" and in Page 6 Line 21 through which ultrasonic energy is coupled to the interior of the housing".

Iger's interface, as a focusing lens, is not flat but rather has a curvature; for example, in Col. 8 Lines 35-36 "an acoustic lens... having a curvature r".

Applicants contend that amended claim 1 is not anticipated by Iger because Iger does not teach at least the limitation of a housing having a flat interface.

Regarding Claims 2-3, 35-37 and 39

Applicants submit that in view of amended independent claim 1, dependent claims 2-3, 35-37 and 39 are patentable for at least the same reasons as amended independent claim 1 from which they depend.

Objection under 35 U.S.C. §103

Regarding Claims 4-7 and 38 (unpatentable over Iger)

Applicants submit that in view of amended independent claim 1, dependent claims 4-7, and 38 are patentable for at least the same reasons as amended independent claim 1 from which they depend.

Regarding Claim 40 (unpatentable over Iger in view of Derman et al. US 6,378, 376)

Applicants submit that in view of amended independent claim 1, dependent claim 40 is patentable for at least the same reasons as amended independent claim 1 from which it depends.

New claims

Applicants add herein dependent claims 45-55 defining additional elements and features of the apparatus of claim 1 from which they depend, as described below.

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Claim 45 – interface of elastomer material

Support can be found, for example, in Page 4 Line 8 "at least the acoustic port is formed of an elastomer material".

Claim 46 – housing made of elastomer material

Support can be found, for example, in Page 6 Line 11 "all of housing 12 may also be made of an elastomer material".

Claim 47 – interface with properties similar to the liquid

Support can be found, for example, in Page 2 Lines 16-17 "The interface preferably has acoustic properties that are similar to those of the liquid", or in Page 6 Lines 29-30 "In an exemplary embodiment of the invention, acoustic port 44 has acoustic properties similar to that of the liquid", or in Page 6 Lines 33-34 "polyurethane, with acoustical properties close to those of water is used for acoustic port".

Claim 48 – apparatus with liquid

Support can be found, for example, in Page 8 Line 17 "filled with liquid" or in Page 8 Line 17 "space 24 fills with liquid" or Page 8 Lines 18-19 "entire space 24 is filled with liquid"

Claim 49 – liquid as saline or detergent

Support can be found, for example, in Page 3 Line 2 "a detergent or saline liquid is used".

Claim 50 – liquid with medication

Support can be found, for example, in Page 2 Lines 33-34 "an antibiotic, analgesic, anti-inflammatory or antiseptic material is added to the liquid".

Claim 51 – apparatus with transducer

Support can be found, for example, in Page 5 Line 32 "a transducer 2".

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Claim 52 – cavitation in the liquid by the transducer

Support can be found, for example, in Page 2 Lines 11-12 "A transducer injects ultrasonic energy into the liquid in an amount that is sufficient to induce cavitation at the surface of the tissue", or in Page 6 Lines 3-4 "the transducer is activated preferably to cause cavitation in the liquid" or in Page 2 Line 21 "so that desired cavitation at the tissue surface is generated".

Claim 53 – apparatus with inlet

Support can be found, for example, in Page 3 Line 6 "the housing is provided with an inlet for liquid", or in Page 3 Lines 32-33 "the housing comprises a liquid inlet adapted for introduction of liquid into the space", or in Page 7 lines 26-28 "cleansing means 33 including an inlet canal 34, disposed within housing 12, via which a liquid is be introduced onto the surface 16 of the wound within the space 24".

Claim 54 – a liquid outlet

Support can be found, for example, in Page 3 Lines 33-34 "the housing comprises a liquid outlet adapted for the removal of liquid from the space".

Claim 55 – liquid flow between inlet and outlet

Support can be found, for example, in Page 3 Lines 9-10 "the inlet and outlet are placed on opposite sides of the area of the skin being treated, so that the liquid flows across the area".

Applicants submit that dependent claims 2-7, 35-40 and 45-55 are patentable for at least the same reasons as amended independent claim 1 from which they depend.

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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that claims 1-7, 35-40 and 45-55 are now in condition for allowance.

A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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